

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 288

Introduced by Health and Human Services Committee Gay, 14,
Chairperson; Campbell, 25; Gloor, 35; Howard, 9;
Pankonin, 2; Stuthman, 22; Wallman, 30.

Read first time January 15, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend
2 sections 32-310, 38-1,119, 38-2893, 38-2894, 68-1017.01,
3 81-2270, 81-2271, 83-1209, 83-1211, 83-1213, 83-1217.02,
4 and 85-2104, Reissue Revised Statutes of Nebraska,
5 and sections 48-647, 68-717, 68-906, 68-1016, 68-1017,
6 68-1017.02, 68-1070, 68-1713, 71-604.05, and 71-5309,
7 Revised Statutes Cumulative Supplement, 2008; to change
8 references to the federal food stamp program; to change
9 a date within the Medical Assistance Act relating
10 to acceptance of federal provisions; to eliminate
11 references to a pilot project; to change provisions
12 relating to pharmacy technicians, a registry, public
13 water system operator licensing, and the Developmental

1 Disabilities Services Act; to harmonize provisions; to
2 repeal the original sections; and to outright repeal
3 sections 81-2265 and 81-2267, Reissue Revised Statutes of
4 Nebraska.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-310, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-310 (1) The State Department of Education and
4 the Department of Health and Human Services shall provide the
5 opportunity to register to vote at the time of application,
6 review, or change of address for the following programs, as
7 applicable: (a) The ~~feed stamp program~~; Supplemental Nutrition
8 Assistance Program; (b) the medicaid program; (c) the WIC program
9 as defined in section 71-2225; (d) the aid to dependent children
10 program; (e) the vocational rehabilitation program; and (f) any
11 other public assistance program or program primarily for the
12 purpose of providing services to persons with disabilities. If the
13 application, review, or change of address is accomplished through
14 an agent or contractor of the department, the agent or contractor
15 shall provide the opportunity to register to vote. Any information
16 on whether an applicant registers or declines to register and the
17 agency at which he or she registers shall be confidential and shall
18 only be used for voter registration purposes.

19 (2) The department, agent, or contractor shall make
20 the mail-in registration application described in section 32-320
21 available at the time of application, review, or change of address
22 and shall provide assistance, if necessary, to the applicant in
23 completing the application to register to vote. The department
24 shall retain records indicating whether an applicant accepted or
25 declined the opportunity to register to vote.

1 (3) Department personnel, agents, and contractors
2 involved in the voter registration process pursuant to this section
3 shall not be considered deputy registrars or agents or employees of
4 the election commissioner or county clerk.

5 (4) The applicant may return the completed voter
6 registration application to the department, agent, or contractor
7 or may personally mail or deliver the application to the election
8 commissioner or county clerk as provided in section 32-321. If
9 the applicant returns the completed application to the department,
10 agent, or contractor, the department, agent, or contractor shall
11 deliver the application to the election commissioner or county
12 clerk of the county in which the office of the department, agent,
13 or contractor is located not later than ten days after receipt
14 by the department, agent, or contractor, except that if the
15 application is returned to the department, agent, or contractor
16 within five days prior to the third Friday preceding any election,
17 it shall be delivered not later than five days after the date it
18 is returned. The election commissioner or county clerk shall, if
19 necessary, forward the application to the election commissioner or
20 county clerk of the county in which the applicant resides within
21 such prescribed time limits. The application shall be completed
22 and returned to the department, agency, or contractor by the close
23 of business on the third Friday preceding any election to be
24 registered to vote at such election. A registration application
25 received after the deadline shall not be processed by the election

1 commissioner or county clerk until after the election.

2 (5) The departments shall adopt and promulgate rules and
3 regulations to ensure compliance with this section.

4 Sec. 2. Section 38-1,119, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 38-1,119 (1) Sections 38-1,119 to 38-1,123 apply to
7 the following professions and businesses: Asbestos abatement,
8 inspection, project design, and training; lead-based paint
9 abatement, inspection, project design, and training; medical
10 radiography; radon detection, measurement, and mitigation; water
11 system operation; and constructing or decommissioning water wells
12 and installing water well pumps and pumping equipment.

13 (2) If an applicant for an initial credential to practice
14 a profession or operate a business does not meet all of the
15 requirements for the credential, the department shall deny issuance
16 of the credential. If an applicant for an initial credential or
17 a credential holder applying for renewal of the credential has
18 committed any of the acts set out in section 38-178 or 38-182, as
19 applicable, the department may deny issuance or refuse renewal of
20 the credential or may issue or renew the credential subject to any
21 of the terms imposed under section 38-196 in order to protect the
22 public.

23 (3) An applicant for a license as a public water system
24 operator under the Nebraska Safe Drinking Water Act who previously
25 held a license or certification as a public water system operator

1 under the act and whose license or certification expired two years
2 or more prior to the date of application shall also meet the
3 requirements established pursuant to section 71-5309.

4 Sec. 3. Section 38-2893, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 38-2893 (1) The Pharmacy Technician Registry is created.
7 The department shall list each pharmacy technician registration in
8 the registry. A listing in the registry shall be valid for the term
9 of the registration and upon renewal unless such listing is refused
10 renewal or is removed as provided in section 38-2894.

11 (2) The registry shall contain the following information
12 on each individual who meets the conditions set out in section
13 38-2890: (a) The individual's full name; (b) information necessary
14 to identify the individual; ~~(e) any conviction of a nonalcohol,~~
15 ~~drug-related felony or misdemeanor reported to the department; and~~
16 ~~(d)~~ and (c) any other information as the department may require by
17 rule and regulation.

18 Sec. 4. Section 38-2894, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 38-2894 (1) A registration to practice as a pharmacy
21 technician may be denied, refused renewal, removed, or suspended
22 or have other disciplinary measures taken against it by the
23 department, with the recommendation of the board, for failure to
24 meet the requirements of or for violation of subdivisions (1)
25 through (17) and (19) through (24) of section 38-178 and sections

1 38-2890 to 38-2897 or the rules and regulations adopted under such
2 sections.

3 (2) If the department proposes to deny, refuse renewal
4 of, or remove or suspend a registration, it shall send the
5 applicant or registrant a notice setting forth the action to be
6 taken and the reasons for the determination. The denial, refusal to
7 renew, removal, or suspension shall become final thirty days after
8 mailing the notice unless the applicant or registrant gives written
9 notice to the department of his or her desire for an informal
10 conference or for a formal hearing.

11 (3) Notice may be served by any method specified in
12 section 25-505.01, or the department may permit substitute or
13 constructive service as provided in section 25-517.02 when service
14 cannot be made with reasonable diligence by any of the methods
15 specified in section 25-505.01.

16 (4) Pharmacy technicians may participate in the Licensee
17 Assistance Program described in section 38-175.

18 Sec. 5. Section 48-647, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 48-647 (1) Any assignment, pledge, or encumbrance of any
21 right to benefits which are or may become due or payable under
22 sections 48-623 to 48-626 shall be void except as set forth in
23 this section. Such rights to benefits shall be exempt from levy,
24 execution, attachment, or any other remedy whatsoever provided for
25 the collection of debt. Benefits received by any individual, so

1 long as they are not mingled with other funds of the recipient,
2 shall be exempt from any remedy whatsoever for the collection of
3 all debts except debts incurred for necessities furnished to such
4 individual or his or her spouse or dependents during the time
5 when such individual was unemployed. Any waiver of any exemption
6 provided for in this section shall be void. Any assignment,
7 pledge, or encumbrance of any right or claim to contributions or
8 to any money credited to any employer's reserve account in the
9 Unemployment Compensation Fund shall be void, and the same shall
10 be exempt from levy, execution, attachment, or any other remedy
11 whatsoever provided for the collection of debt, and any waiver of
12 any exemption provided for in this section shall be void.

13 (2)(a) An individual filing a new claim for unemployment
14 compensation shall, at the time of filing such claim, disclose
15 whether or not he or she owes child support obligations as defined
16 under subdivision (h) of this subsection. If such individual
17 discloses that he or she owes child support obligations and
18 is determined to be eligible for unemployment compensation, the
19 commissioner shall notify the Department of Health and Human
20 Services that the individual has been determined to be eligible for
21 unemployment compensation.

22 (b) The commissioner shall deduct and withhold from
23 any unemployment compensation otherwise payable to an individual
24 disclosing child support obligations:

25 (i) The amount specified by the individual to the

1 commissioner to be deducted under this subsection, if neither
2 subdivision (ii) nor (iii) of this subdivision is applicable;

3 (ii) The amount, if any, determined pursuant to an
4 agreement between the Department of Health and Human Services and
5 such individual owing the child support obligations to have a
6 specified amount withheld and such agreement being submitted to
7 the commissioner, unless subdivision (iii) of this subdivision is
8 applicable; or

9 (iii) The amount otherwise required to be so deducted
10 and withheld from such unemployment compensation pursuant to legal
11 process, as that term is defined in subdivision (2)(i) of this
12 section, properly served upon the commissioner.

13 (c) Any amount deducted and withheld under subdivision
14 (b) of this subsection shall be paid by the commissioner to the
15 Department of Health and Human Services.

16 (d) Any amount deducted and withheld under subdivision
17 (b) or (g) of this subsection shall for all purposes be treated
18 as if it were paid to the individual as unemployment compensation
19 and paid by such individual to the Department of Health and Human
20 Services in satisfaction of his or her child support obligations.

21 (e) For purposes of subdivisions (a) through (d) and
22 (g) of this subsection, the term unemployment compensation shall
23 mean any compensation payable under the Employment Security Law
24 and including amounts payable by the commissioner pursuant to
25 an agreement by any federal law providing for compensation,

1 assistance, or allowances with respect to unemployment.

2 (f) This subsection shall apply only if appropriate
3 arrangements have been made for reimbursement by the Department of
4 Health and Human Services for the administrative costs incurred by
5 the commissioner under this section which are attributable to child
6 support obligations being enforced by the department.

7 (g) The Department of Health and Human Services and the
8 commissioner shall develop and implement a collection system to
9 carry out the intent of this subdivision. The collection system
10 shall, at a minimum, provide that:

11 (i) The commissioner shall periodically notify the
12 Department of Health and Human Services of the information listed
13 in section 43-1719 with respect to individuals determined to be
14 eligible for unemployment compensation during such period;

15 (ii) Unless the county attorney, the authorized attorney,
16 or the Department of Health and Human Services has sent a notice on
17 the same support order under section 43-1720, upon the notification
18 required by subdivision (2)(g)(i) of this section, the Department
19 of Health and Human Services shall send notice to any such
20 individual who owes child support obligations and who is subject
21 to income withholding pursuant to subdivision (2)(a), (2)(b)(ii),
22 or (2)(b)(iii) of section 43-1718.01. The notice shall be sent
23 by certified mail to the last-known address of the individual and
24 shall state the same information as required under section 43-1720;

25 (iii)(A) If the support obligation is not based on a

1 foreign support order entered pursuant to section 43-1729 and the
2 individual requests a hearing, the Department of Health and Human
3 Services shall hold a hearing within fifteen days of the date of
4 receipt of the request. The hearing shall be in accordance with
5 the Administrative Procedure Act. The assignment shall be held in
6 abeyance pending the outcome of the hearing. The department shall
7 notify the individual and the commissioner of its decision within
8 fifteen days of the date the hearing is held; and

9 (B) If the support obligation is based on a foreign
10 support order entered pursuant to section 43-1729 and the
11 individual requests a hearing, the county attorney or authorized
12 attorney shall apply the procedures described in sections 43-1732
13 to 43-1742;

14 (iv)(A) If no hearing is requested by the individual
15 under this subsection or pursuant to a notice sent under section
16 43-1720, (B) if after a hearing under this subsection or section
17 43-1721 the Department of Health and Human Services determines that
18 the assignment should go into effect, (C) in cases in which the
19 court has ordered income withholding for child support pursuant to
20 subsection (1) of section 43-1718.01, or (D) in cases in which the
21 court has ordered income withholding for child support pursuant to
22 section 43-1718.02 and the case subsequently becomes one in which
23 child support collection services are being provided under Title
24 IV-D of the federal Social Security Act, as amended, the Department
25 of Health and Human Services shall certify to the commissioner

1 the amount to be withheld for child support obligations from the
2 individual's unemployment compensation. Such amount shall not in
3 any case exceed the maximum amount permitted to be withheld under
4 section 303(b) of the federal Consumer Credit Protection Act, 15
5 U.S.C. 1673(b) (2) (A) and (B), and the amount withheld to satisfy an
6 arrearage of child support when added to the amount withheld to pay
7 current support shall not exceed such maximum amount;

8 (v) The collection system shall comply with the
9 requirements of Title III and Title IV-D of the federal Social
10 Security Act, as amended;

11 (vi) The collection system shall be in addition to and
12 not in substitution for or derogation of any other available
13 remedy; and

14 (vii) The Department of Health and Human Services and the
15 commissioner shall adopt and promulgate rules and regulations to
16 carry out subdivision (2)(g) of this section.

17 (h) For purposes of this subsection, the term child
18 support obligations shall include only obligations which are being
19 enforced pursuant to a plan described in section 454 of the federal
20 Social Security Act which has been approved by the Secretary of
21 Health and Human Services under Part D of Title IV of the federal
22 Social Security Act.

23 (i) For purposes of this subsection, the term legal
24 process shall mean any writ, order, summons, or other similar
25 process in the nature of garnishment, which:

1 (i) Is issued by a court of competent jurisdiction of
2 any state, territory, or possession of the United States or an
3 authorized official pursuant to order of such a court of competent
4 jurisdiction or pursuant to state law. For purposes of this
5 subdivision, the chief executive officer of the Department of
6 Health and Human Services shall be deemed an authorized official
7 pursuant to order of a court of competent jurisdiction or pursuant
8 to state law; and

9 (ii) Is directed to, and the purpose of which is
10 to compel, the commissioner to make a payment for unemployment
11 compensation otherwise payable to an individual in order to satisfy
12 a legal obligation of such individual to provide child support.

13 (j) Nothing in this subsection shall be construed to
14 authorize withholding from unemployment compensation of any support
15 obligation other than child support obligations.

16 (3)(a) An individual filing a new claim for unemployment
17 compensation shall, at the time of filing such claim, disclose
18 whether or not he or she owes an uncollected overissuance,
19 as defined in ~~section 13(e)(1) of the federal Food Stamp Act~~
20 ~~of 1977, of feed stamp~~ 7 U.S.C. 2022(c)(1), of Supplemental
21 Nutrition Assistance Program benefits, if not otherwise known or
22 disclosed to the state ~~feed stamp~~ Supplemental Nutrition Assistance
23 Program agency. The commissioner shall notify the state ~~feed~~
24 ~~stamp~~ Supplemental Nutrition Assistance Program agency enforcing
25 such obligation of any individual disclosing that he or she owes

1 an uncollected overissuance whom the commissioner determines is
2 eligible for unemployment compensation.

3 (b) The commissioner shall deduct and withhold from any
4 unemployment compensation payable to an individual who owes an
5 uncollected overissuance (i) the amount specified by the individual
6 to the commissioner to be deducted and withheld under this
7 subsection, (ii) the amount, if any, determined pursuant to an
8 agreement submitted to the state ~~feed stamp~~ Supplemental Nutrition
9 Assistance Program agency under ~~section 13(c)(3)(A) of the federal~~
10 ~~Feed Stamp Act of 1977, 7 U.S.C. 2022(c)(3)(A),~~ or (iii) any amount
11 otherwise required to be deducted and withheld from unemployment
12 compensation pursuant to ~~section 13(c)(3)(B) of such federal act.~~ 7
13 U.S.C. 2022(c)(3)(B).

14 (c) Any amount deducted and withheld under this
15 subsection shall be paid by the commissioner to the state ~~feed~~
16 ~~stamp~~ Supplemental Nutrition Assistance Program agency.

17 (d) Any amount deducted and withheld under subdivision
18 (b) of this subsection shall be treated for all purposes as if it
19 were paid to the individual as unemployment compensation and paid
20 by such individual to the state ~~feed stamp~~ Supplemental Nutrition
21 Assistance Program agency as repayment of the individual's
22 uncollected overissuance.

23 (e) For purposes of this subsection, unemployment
24 compensation means any compensation payable under the Employment
25 Security Law, including amounts payable by the commissioner

1 pursuant to an agreement under any federal law providing
2 for compensation, assistance, or allowances with respect to
3 unemployment.

4 (f) This subsection applies only if arrangements have
5 been made for reimbursement by the state ~~feed stamp~~ Supplemental
6 Nutrition Assistance Program agency for the administrative costs
7 incurred by the commissioner under this subsection which are
8 attributable to the repayment of uncollected overissuances to the
9 state ~~feed stamp~~ Supplemental Nutrition Assistance Program agency.

10 Sec. 6. Section 68-717, Revised Statutes Cumulative
11 Supplement, 2008, is amended to read:

12 68-717 The Department of Health and Human Services shall
13 assume the responsibility for all public assistance, including
14 aid to families with dependent children, emergency assistance,
15 assistance to the aged, blind, or disabled, medically handicapped
16 children's services, commodities, ~~feed stamps,~~ Supplemental
17 Nutrition Assistance Program, and medical assistance.

18 Sec. 7. Section 68-906, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 68-906 For purposes of paying medical assistance under
21 the Medical Assistance Act and sections 68-1002 and 68-1006, the
22 State of Nebraska accepts and assents to all applicable provisions
23 of Title XIX and Title XXI of the federal Social Security Act.
24 Any reference in the Medical Assistance Act to the federal Social
25 Security Act or other acts or sections of federal law shall be to

1 such federal acts or sections as they existed on January 1, ~~2008-~~
2 2009.

3 Sec. 8. Section 68-1016, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 68-1016 The chief executive officer of the Department of
6 Health and Human Services, or his or her designated representative,
7 shall provide for granting an opportunity for a fair hearing to
8 any individual whose claim for assistance to the aged, blind, or
9 disabled, aid to dependent children, emergency assistance, medical
10 assistance, commodities, or ~~feed stamp~~ supplemental nutrition
11 assistance program benefits is denied, is not granted in full,
12 or is not acted upon with reasonable promptness. An appeal shall
13 be taken by filing with the department a written notice of
14 appeal setting forth the facts on which the appeal is based. The
15 department shall thereupon, in writing, notify the appellant of the
16 time and place for hearing which shall be not less than one week
17 nor more than six weeks from the date of such notice. Hearings
18 shall be before the duly authorized agent of the department. On the
19 basis of evidence adduced, the duly authorized agent shall enter a
20 final order on such appeal, which order shall be transmitted to the
21 appellant.

22 Sec. 9. Section 68-1017, Revised Statutes Cumulative
23 Supplement, 2008, is amended to read:

24 68-1017 Any person, including vendors and providers
25 of medical assistance and social services, who, by means of a

1 willfully false statement or representation, or by impersonation
2 or other device, obtains or attempts to obtain, or aids or
3 abets any person to obtain or to attempt to obtain (1) an
4 assistance certificate of award to which he or she is not entitled,
5 (2) any commodity, any foodstuff, any food coupon, any ~~feed~~
6 ~~stamp~~ Supplemental Nutrition Assistance Program coupon, electronic
7 benefit, or electronic benefit card, or any payment to which
8 such individual is not entitled or a larger payment than that
9 to which he or she is entitled, (3) any payment made on behalf
10 of a recipient of medical assistance or social services, or (4)
11 any other benefit administered by the Department of Health and
12 Human Services, or who violates any statutory provision relating to
13 assistance to the aged, blind, or disabled, aid to dependent
14 children, social services, or medical assistance, commits an
15 offense and shall upon conviction be punished as follows: (a)
16 If the aggregate value of all funds or other benefits obtained or
17 attempted to be obtained is less than five hundred dollars, the
18 person so convicted shall be guilty of a Class III misdemeanor; or
19 (b) if the aggregate value of all funds and other benefits obtained
20 or attempted to be obtained is five hundred dollars or more, the
21 person so convicted shall be guilty of a Class IV felony.

22 Sec. 10. Section 68-1017.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 68-1017.01 (1) A person commits an offense if he or she
25 knowingly uses, alters, or transfers any ~~feed stamp~~ Supplemental

1 Nutrition Assistance Program coupons, electronic benefits, or
2 electronic benefit cards or any authorizations to participate
3 in the ~~feed stamp program~~ Supplemental Nutrition Assistance Program
4 in any manner not authorized by law. An offense under this
5 subsection shall be a Class III misdemeanor if the value of
6 the Supplemental Nutrition Assistance Program coupons, electronic
7 benefits, electronic benefit cards, or authorizations is less than
8 five hundred dollars and shall be a Class IV felony if the value is
9 five hundred dollars or more.

10 (2) A person commits an offense if he or she knowingly
11 (a) possesses any ~~feed stamp~~ Supplemental Nutrition Assistance
12 Program coupons, electronic benefits, or electronic benefit cards
13 or any authorizations to participate in the ~~feed stamp program~~
14 Supplemental Nutrition Assistance Program when such individual is
15 not authorized by law to possess them, (b) redeems ~~feed stamp~~
16 Supplemental Nutrition Assistance Program coupons, electronic
17 benefits, or electronic benefit cards when he or she is not
18 authorized by law to redeem them, or (c) redeems ~~feed stamp~~
19 Supplemental Nutrition Assistance Program coupons, electronic
20 benefits, or electronic benefit cards for purposes not authorized
21 by law. An offense under this subsection shall be a Class III
22 misdemeanor if the value of the Supplemental Nutrition Assistance
23 Program coupons, electronic benefits, electronic benefit cards, or
24 authorizations is less than five hundred dollars and shall be a
25 Class IV felony if the value is five hundred dollars or more.

1 (3) A person commits an offense if he or she knowingly
2 possesses blank authorizations to participate in the ~~feed stamp~~
3 ~~program~~ Supplemental Nutrition Assistance Program when such
4 possession is not authorized by law. An offense under this
5 subsection shall be a Class IV felony.

6 (4) When any ~~feed stamp~~ Supplemental Nutrition Assistance
7 Program coupons, electronic benefits, or electronic benefit cards
8 or any authorizations to participate in the ~~feed stamp program~~
9 Supplemental Nutrition Assistance Program of various values are
10 obtained in violation of this section pursuant to one scheme or
11 a continuing course of conduct, whether from the same or several
12 sources, such conduct may be considered as one offense, and the
13 values aggregated in determining the grade of the offense.

14 Sec. 11. Section 68-1017.02, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 68-1017.02 (1)(a) The Department of Health and Human
17 Services shall apply for and utilize to the maximum extent
18 possible, within limits established by the Legislature, any and
19 all appropriate options available to the state under the federal
20 ~~feed stamp program~~ Supplemental Nutrition Assistance Program and
21 regulations adopted under such program to maximize the number of
22 Nebraska residents being served under such program within such
23 limits. The department shall seek to maximize federal funding for
24 such program and minimize the utilization of General Funds for
25 such program and shall employ the personnel necessary to determine

1 the options available to the state and issue the report to the
2 Legislature required by subdivision (b) of this subsection.

3 (b) The department shall report annually to the Health
4 and Human Services Committee of the Legislature by December 1
5 on efforts by the department to carry out the provisions of
6 this subsection. Such report shall provide the committee with all
7 necessary and appropriate information to enable the committee to
8 conduct a meaningful evaluation of such efforts. Such information
9 shall include, but not be limited to, a clear description of
10 various options available to the state under the federal ~~feed~~
11 ~~stamp program,~~ Supplemental Nutrition Assistance Program, the
12 department's evaluation of and any action taken by the department
13 with respect to such options, the number of persons being served
14 under such program, and any and all costs and expenditures
15 associated with such program.

16 (c) The Health and Human Services Committee of the
17 Legislature, after receipt and evaluation of the report required in
18 subdivision (b) of this subsection, shall issue recommendations to
19 the department on any further action necessary by the department to
20 meet the requirements of this section.

21 (2)(a) Within the limits specified in this subsection,
22 the State of Nebraska opts out of the provision of the federal
23 Personal Responsibility and Work Opportunity Reconciliation Act
24 of 1996, as such act existed on July 18, 2008, that eliminates
25 eligibility for ~~feed stamps~~ the Supplemental Nutrition Assistance

1 Program for any person convicted of a felony involving the
2 possession, use, or distribution of a controlled substance.

3 (b) A person shall be ineligible for ~~feed stamp~~
4 Supplemental Nutrition Assistance Program benefits under this
5 subsection if he or she (i) has had three or more felony
6 convictions for the possession or use of a controlled substance
7 or (ii) has been convicted of a felony involving the sale or
8 distribution of a controlled substance or the intent to sell or
9 distribute a controlled substance. A person with one or two felony
10 convictions for the possession or use of a controlled substance
11 shall only be eligible to receive ~~feed stamp~~ Supplemental Nutrition
12 Assistance Program benefits under this subsection if he or she is
13 participating in or has completed a state-licensed or nationally
14 accredited substance abuse treatment program since the date of
15 conviction. The determination of such participation or completion
16 shall be made by the treatment provider administering the program.

17 Sec. 12. Section 68-1070, Revised Statutes Cumulative
18 Supplement, 2008, is amended to read:

19 68-1070 (1) If the following non-United-States citizens
20 meet the income and other requirements for participation in the
21 medical assistance program established pursuant to the Medical
22 Assistance Act, in the program for financial assistance pursuant to
23 section 43-512, in the ~~feed stamp program~~ Supplemental Nutrition
24 Assistance Program administered by the State of Nebraska pursuant
25 to the federal Food ~~Stamp~~ and Nutrition Act of 2008, or in the

1 program for assistance to the aged, blind, and disabled, such
2 persons shall be eligible for such program or benefits:

3 (a) Non-United-States citizens lawfully admitted,
4 regardless of the date entry was granted, into the United States
5 for permanent residence;

6 (b) Refugees admitted under section 207 of the federal
7 Immigration and Naturalization Act, non-United-States citizens
8 granted asylum under section 208 of such federal act, and
9 non-United-States citizens whose deportation is withheld under
10 section 243(h) of such federal act, regardless of the date of entry
11 into the United States; and

12 (c) Individuals for whom coverage is mandated under
13 federal law.

14 (2) Individuals eligible for ~~feed stamp~~ assistance the
15 Supplemental Nutrition Assistance Program under this section shall
16 receive any ~~feed stamp~~ Supplemental Nutrition Assistance Program
17 coupons or electronic benefits or a state voucher which can be used
18 only for food products authorized under the federal Food Stamp and
19 Nutrition Act of 2008, in the amount of the ~~feed stamp~~ Supplemental
20 Nutrition Assistance Program benefit for which this individual was
21 otherwise eligible but for the citizenship provisions of Public Law
22 104-193, 110 Stat. 2105 (1996).

23 (3) The income and resources of any individual who
24 assists a non-United-States citizen to enter the United States
25 by signing an affidavit of support shall be deemed available

1 in determining the non-United-States citizen's eligibility for
2 assistance until the non-United-States citizen becomes a United
3 States citizen.

4 Sec. 13. Section 68-1713, Revised Statutes Cumulative
5 Supplement, 2008, is amended to read:

6 68-1713 (1) The Department of Health and Human Services
7 shall implement the following policies:

8 (a) Permit Work Experience in Private for-Profit
9 Enterprises;

10 (b) Permit Job Search;

11 (c) Permit Employment to be Considered a Program
12 Component;

13 (d) Make Sanctions More Stringent to Emphasize
14 Participant Obligations;

15 (e) Alternative Hearing Process;

16 (f) Permit Adults in Two-Parent Households to Participate
17 in Activities Based on Their Self-Sufficiency Needs;

18 (g) Eliminate Exemptions for Individuals with Children
19 Between the Ages of 12 Weeks and Age Six;

20 (h) Providing Poor Working Families with Transitional
21 Child Care to Ease the Transition from Welfare to Self-Sufficiency;

22 (i) Provide Transitional Health Care for 12 Months After
23 Termination of ADC if funding for such transitional medical
24 assistance is available under Title XIX of the federal Social
25 Security Act, as amended, as described in section 68-906;

- 1 (j) Require Adults to Ensure that Children in the Family
2 Unit Attend School;
- 3 (k) Encourage Minor Parents to Live with Their Parents;
- 4 (l) Establish a Resource Limit of \$4,000 for a single
5 individual and \$6,000 for two or more individuals for ADC;
- 6 (m) Exclude the Value of One Vehicle Per Family When
7 Determining ADC Eligibility;
- 8 (n) Exclude the Cash Value of Life Insurance Policies in
9 Calculating Resources for ADC;
- 10 (o) Establish ~~Feed Stamps~~ Supplemental Nutrition
11 Assistance Program as a Continuous Benefit with Eligibility
12 Reevaluated with Yearly Redeterminations;
- 13 (p) Establish a Budget the Gap Methodology Whereby
14 Countable Earned Income is Subtracted from the Standard of the
15 Need and Payment is Based on the Difference or Maximum Payment
16 Level, Whichever is Less. That this Gap be Established at a Level
17 that Encourages Work but at Least at a Level that Ensures that
18 Those Currently Eligible for ADC do not Lose Eligibility Because of
19 the Adoption of this Methodology;
- 20 (q) Adopt an Earned Income Disregard of Twenty Percent of
21 Gross Earnings in the ADC Program and One Hundred Dollars in the
22 Related Medical Assistance Program;
- 23 (r) Disregard Financial Assistance Received Intended for
24 Books, Tuition, or Other Self-Sufficiency Related Use;
- 25 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of

1 Work Requirement, and The 30-Day Unemployed/Underemployed Period
2 for ADC-UP Eligibility; and

3 (t) Make ADC a Time-Limited Program.

4 (2) The Department of Health and Human Services shall (a)
5 apply for a waiver to allow for a sliding-fee schedule for the
6 population served by the caretaker relative program or (b) pursue
7 other public or private mechanisms, to provide for transitional
8 health care benefits to individuals and families who do not
9 qualify for cash assistance. It is the intent of the Legislature
10 that transitional health care coverage be made available on a
11 sliding-scale basis to individuals and families with incomes up to
12 one hundred eighty-five percent of the federal poverty level if
13 other health care coverage is not available.

14 Sec. 14. Section 71-604.05, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 71-604.05 (1) The department shall not file (a) a
17 certificate of live birth, (b) a certificate of delayed birth
18 registration for a registrant who is under twenty-five years of
19 age when an application for such certificate is filed, (c) a
20 certificate of live birth filed after adoption of a Nebraska-born
21 person who is under twenty-five years of age or a person born
22 outside of the jurisdiction of the United States, or (d) a
23 certificate of live birth issued pursuant to section 71-628 unless
24 the social security number or numbers issued to the parents are
25 furnished by the person seeking to register the birth. No such

1 certificate may be amended to show paternity unless the social
2 security number of the father is furnished by the person requesting
3 the amendment. The social security number shall not be required if
4 no social security number has been issued to the parent or if the
5 social security number is unknown.

6 (2) Social security numbers (a) shall be recorded on
7 the birth certificate but shall not be considered part of the
8 birth certificate and (b) shall only be used for the purpose of
9 enforcement of child support orders in Nebraska as permitted by
10 Title IV-D of the federal Social Security Act, as amended, or as
11 permitted by section 7(a) of the federal Privacy Act of 1974, as
12 amended.

13 (3) The department may release data to the Social
14 Security Administration which is necessary to obtain a social
15 security number and which is contained on the birth certificate
16 of any individual who has applied for or is receiving Medicaid or
17 ~~feed stamp~~ Supplemental Nutrition Assistance Program benefits. The
18 department shall make such data available only for the purpose of
19 obtaining a social security number for the individual.

20 (4) The department shall provide to the Social Security
21 Administration each parent's name and social security number
22 collected in the birth certification process as required by the
23 federal Taxpayer Relief Act of 1997.

24 Sec. 15. Section 71-5309, Revised Statutes Cumulative
25 Supplement, 2008, is amended to read:

1 71-5309 (1) The director shall adopt and promulgate
2 minimum necessary rules and regulations governing the
3 qualifications of operators of public water systems. In
4 adopting such rules and regulations, the director shall give
5 consideration to the levels of training and experience which are
6 required, in the opinion of the director, to insure to the greatest
7 extent possible that the public water systems shall be operated
8 in such a manner that (a) maximum efficiency can be attained, (b)
9 interruptions in service will not occur, (c) chemical treatment of
10 the water will be adequate to maintain purity and safety, and (d)
11 harmful materials will not enter the public water system.

12 (2) The director may require, by rule and regulation,
13 that the applicant for a license successfully pass an examination
14 on the subject of operation of a public water system. The rules and
15 regulations, and any tests so administered, may set out different
16 requirements for public water systems based on one or more of
17 the following: Physical size of the facilities, number of persons
18 served, system classification, source of water, treatment technique
19 and purpose, and distribution complexity, so long as the criteria
20 set forth in this section are followed.

21 (3) An applicant for a license under the Nebraska Safe
22 Drinking Water Act who previously held a license or certification
23 as a public water system operator under the act and whose license
24 or certification expired two years or more prior to the date of
25 application shall take the examination required to be taken by an

1 applicant for an initial license under the act. The department's
 2 review of the application for licensure by an applicant under
 3 this subsection shall include the results of such examination and
 4 the applicant's experience and training. The department may by
 5 rules and regulations establish requirements for relicensure under
 6 the act which are more stringent for applicants whose license is
 7 expired or has been revoked or suspended than those for applicants
 8 for initial licensure.

9 Sec. 16. Section 81-2270, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 81-2270 Services identified by care plans for those not
 12 eligible for services provided through the home and community-based
 13 waiver for the aged and disabled may be purchased with funds
 14 appropriated through sections ~~81-2265 to 81-2271~~, section 81-2235,
 15 based on a sliding-fee scale. The Department of Health and Human
 16 Services shall adopt and promulgate rules and regulations to
 17 establish procedures and standards to implement this section of the
 18 ~~pilot project for preadmission screening.~~

19 Sec. 17. Section 81-2271, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 81-2271 The Department of Health and Human Services shall
 22 adopt and promulgate rules and regulations to establish procedures
 23 and standards to implement the intent of sections ~~81-2265~~ 81-2268
 24 to 81-2271.

25 Sec. 18. Section 83-1209, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 83-1209 To carry out the policies and purposes of the
3 Developmental Disabilities Services Act, the director shall:

4 (1) Ensure effective management by (a) determining
5 whether applicants are eligible for specialized services, (b)
6 authorizing service delivery for eligible persons, (c) ensuring
7 that services are available, accessible, and coordinated, (d)
8 ensuring that eligible persons have their needs assessed by a team
9 process, have individual program plans developed by a team process
10 to address assessed needs, which plans incorporate the input of
11 the individual and the family, and have services delivered in
12 accordance with the program plan, (e) having the amount of funding
13 for specialized services determined by an objective assessment
14 process, ~~as developed in subsection (3) of section 83-1216,~~
15 (f) providing information and referral services to persons with
16 developmental disabilities and their families, (g) promoting the
17 development of pilot projects of high quality, cost-efficient
18 services provided by specialized programs, and (h) administering
19 the Beatrice State Developmental Center;

20 (2) Ensure a coordinated statewide response by (a)
21 developing a comprehensive and integrated statewide plan for
22 specialized services to persons with developmental disabilities
23 in conjunction with state and local officials, designated advocates
24 for such persons, service providers, and the general public, (b)
25 reporting biennially to the Legislature, the Governor, service

1 providers, and the public on persons served and progress made
2 toward meeting requirements of the plan, and (c) creating a
3 statewide registry of persons eligible for specialized services;

4 (3) Ensure specialized services which are efficient and
5 individualized by (a) developing a written policy which ensures the
6 adequate and equitable distribution of fiscal resources based upon
7 a consistent rationale for reimbursement that allows funding to
8 follow service recipients as their service needs change and which
9 also includes a plan for funding shortfalls and (b) administering
10 all state and federal funds as may be allowed by law; ~~used by~~
11 ~~specialized programs in the state;~~

12 (4) Ensure maximum quality of services by (a) developing
13 a due process mechanism for resolution of disputes, (b)
14 coordinating the development of review teams designed to enhance
15 the quality of specialized services, (c) developing certification
16 and accreditation requirements for service providers, (d) providing
17 technical assistance to local service providers, and (e) providing
18 eligible persons, their families, and the designated protection
19 and advocacy system authorized pursuant to the Developmental
20 Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C.
21 15001 et seq., with copies of all reports resulting from surveys
22 of providers of specialized services conducted as part of the
23 certification and accreditation process; and

24 (5) Establish and staff a developmental disabilities
25 division which shall assist in carrying out the policies and

1 purposes of the Developmental Disabilities Services Act.

2 Sec. 19. Section 83-1211, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 83-1211 A person receiving specialized services from
5 a local specialized program which receives financial assistance
6 through the department shall be responsible for the cost of such
7 services in the same manner as are persons receiving ~~care~~ services
8 at the Beatrice State Developmental Center. Provisions of law in
9 effect on September 6, 1991, or enacted after such date relating to
10 the responsibility of such persons and their relatives for the cost
11 of and determination of ability to pay for services at the center
12 shall also apply to persons receiving services from specialized
13 programs.

14 Sec. 20. Section 83-1213, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 83-1213 (1) The department shall establish a quality
17 review ~~team~~ teams for each developmental disability ~~region~~. service
18 area. Each team shall consist of ~~four members appointed by the~~
19 ~~director and shall include~~ at least one person with a developmental
20 disability, at least one parent or other close relative of a
21 person with a developmental disability, and at least one person
22 who is neither a person with a developmental disability nor a
23 close relative of such a person. No employee of any governmental
24 agency or instrumentality or any specialized program shall be
25 eligible to be appointed to a team. Members ~~shall~~ may be

1 chosen from nominations submitted by advocacy groups, providers,
2 elected officials, or other groups or by persons interested in
3 developmental disability services who are located in the service
4 area of the developmental disability region.

5 (2) ~~For each quality review team, one member shall be~~
6 ~~appointed for a term of one year, one member for a term of two~~
7 ~~years, one member for a term of three years, and one member for a~~
8 ~~term of four years with the director designating the expiration of~~
9 ~~the initial term of office of each member. Thereafter, successors~~
10 ~~shall serve for terms of four years. In case of a vacancy, a~~
11 ~~successor shall be appointed for the unexpired term. Members shall~~
12 may be reimbursed for their actual and necessary expenses incurred
13 in the performance of their official duties as provided in sections
14 81-1174 to 81-1177.

15 (3) Quality review teams shall meet with persons
16 with developmental disabilities and make recommendations to
17 the division and service providers to improve the quality of
18 services.Each quality review team shall (a) conduct an annual
19 quality-of-life survey of persons with developmental disabilities
20 receiving services in a developmental disability region and of
21 their families, guardians, and designated advocates, (b) receive,
22 investigate, and hear complaints from persons with developmental
23 disabilities and their families, guardians, and designated
24 advocates, and (c) make recommendations to the developmental
25 disability region.

1 Sec. 21. Section 83-1217.02, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 83-1217.02 Each employee subject to the criminal history
4 record information check requirements of subdivision (9) of section
5 83-1217 and section 83-1217.01 shall file a complete set of his
6 or her legible fingerprints with the department. The department
7 shall transmit such fingerprints to the Nebraska State Patrol
8 which shall transmit a copy of the applicant's fingerprints to the
9 Identification Division of the Federal Bureau of Investigation for
10 a national criminal history record information check.

11 The national criminal history record information
12 check shall include information concerning the employee from
13 federal repositories of such information and repositories of
14 such information in other states if authorized by federal law.
15 The division shall issue a report containing the results of
16 the national criminal history record information check to the
17 department.

18 The Nebraska State Patrol shall undertake a search
19 for Nebraska criminal history record information concerning the
20 employee. The Nebraska State Patrol shall issue a report to the
21 department which contains the results of the criminal history
22 record information check conducted by the Nebraska State Patrol.

23 The department shall issue copies of the reports ~~to the~~
24 ~~employee and~~ to the employer listed by the employee.

25 Criminal history record information subject to federal

1 confidentiality requirements shall remain confidential and may be
2 released only upon the written authorization by the employee.

3 The department, in cooperation with the Nebraska State
4 Patrol, shall adopt and promulgate rules and regulations to carry
5 out this section. Such rules and regulations shall provide that the
6 decision to initiate, continue, or terminate the employment of the
7 employee is and shall remain that of the employer.

8 Sec. 22. Section 85-2104, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 85-2104 A student who is applying to take one or more
11 courses for credit from a qualified postsecondary educational
12 institution is eligible for the Access College Early Scholarship
13 Program if:

14 (1) Such student or the student's parent or legal
15 guardian is eligible to receive:

16 (a) Supplemental Security Income;

17 (b) ~~Feed stamps,~~ Supplemental Nutrition Assistance
18 Program benefits;

19 (c) Free or reduced-price lunches under United States
20 Department of Agriculture child nutrition programs;

21 (d) Aid to families with dependent children; or

22 (e) Assistance under the Special Supplemental Nutrition
23 Program for Women, Infants, and Children; or

24 (2) The student or the student's parent or legal guardian
25 has experienced an extreme hardship.

1 Sec. 23. Original sections 32-310, 38-1,119, 38-2893,
2 38-2894, 68-1017.01, 81-2270, 81-2271, 83-1209, 83-1211, 83-1213,
3 83-1217.02, and 85-2104, Reissue Revised Statutes of Nebraska,
4 and sections 48-647, 68-717, 68-906, 68-1016, 68-1017, 68-1017.02,
5 68-1070, 68-1713, 71-604.05, and 71-5309, Revised Statutes
6 Cumulative Supplement, 2008, are repealed.

7 Sec. 24. The following sections are outright repealed:
8 Sections 81-2265 and 81-2267, Reissue Revised Statutes of Nebraska.